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EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

New Delhi, the 14th March 1978/Phalguna 23, 1899 (Saka)

The following Act of Parliament received the assent of the President on the 13th March, 1978, and is hereby published for general information:—

**THE CHILD MARRIAGE RESTRAINT (AMENDMENT) ACT, 1978**  
(No. 2 of 1978)

[13th March, 1978]

An Act further to amend the Child Marriage Restraint Act, 1929, and to make certain consequential amendments in the Indian Christian Marriage Act, 1872, and the Hindu Marriage Act, 1955.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Marriage Restraint (Amendment) Act, 1978.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

19 of 1929.

2. In section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the principal Act), for clause (a), the following clause shall be substituted, namely:—

Amendment of section 2.

“(a) “child” means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age.”

Insertion  
of new  
section 7.

3. After section 6 of the principal Act, the following section shall be inserted, namely:—

Offences  
to be  
cogniz-  
able for  
certain  
purposes

"7. The Code of Criminal Procedure, 1973, shall apply to offences under this Act as if they were cognizable offences—

2 of 1974.

(a) for the purpose of investigation of such offences; and

(b) for the purposes of matters other than (i) matters referred to in section 42 of that Code, and (ii) the arrest of a person without a warrant or without an order of a Magistrate."

Amend-  
ment of  
section 8.

4. In section 8 of the principal Act,—

(a) for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted;

5 of 1898,

2 of 1974.

(b) for the words "Presidency Magistrate or a Magistrate of the first class", the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

Amend-  
ment of  
section 10.

5. In section 10 of the principal Act, for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898,

2 of 1974.

Amend-  
ment of  
certain  
enact-  
ments.

6. The enactments specified in the Schedule are hereby amended in the manner mentioned therein.

#### THE SCHEDULE

[See section 6]

Year	No.	Short title	Amendments
(1)	(2)	(3)	(4)
1872	15	The Indian Christian Marriage Act, 1872.	In section 60,— (i) in condition number (1), for the words "eighteen years" and "fifteen years", the words "twenty-one years" and "eighteen years" shall respectively be substituted;  (ii) the proviso shall be omitted.
1955	25	The Hindu Marriage Act, 1955.	(1) In section 5,— (i) in clause (iii), for the words "eighteen years" and "fifteen years", the words "twenty-one years" and "eighteen years" shall respectively be substituted;  (ii) clause (vi) shall be omitted.  (2) Section 6 shall be omitted.  (3) In section 12, in sub-section (1), in clause (c), for the words and figure "is required under section 5", the words, figures and brackets "was required under section 5 as it stood immediately before the commencement of the Child Marriage Restraint (Amendment) Act, 1978" shall be substituted.

Year	No.	Short title	Amendments
(1)	(2)	(3)	(4)
			(4) In section 18, —
			(i) for the brackets, letters and word “(v) and (vi)” the word, brackets and letter “and (v)” shall be substituted;
			(ii) in clause (b), the word “and” occurring at the end shall be omitted;
			(iii) clause (c) shall be omitted.

K. K. SUNDARAM,

*Secy. to the Govt. of India.*

